

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

SANDRA L. ADAMS,

Debtor.

TREESDALE COMMUNITY  
ASSOCIATION, INC. and GREENVIEW  
COURT OWNERS ASSOCIATION, INC.

Movants.

v.

SANDRA L. ADAMS,

and

RONDA J. WINNECOUR, ESQUIRE,  
TRUSTEE,

Respondents.

Case No. 20-20536-GLT

Chapter 13

Related to Dkt No. 52

**AFFIDAVIT OF DEFAULT**

Treesdale Community Association, Inc. and Greenview Court Owners Association, Inc. (hereinafter referred to as the “Associations”) by and through their counsel, Thomas H. Ayoob III & Associates, LLC, Thomas H. Ayoob, III, Esquire, and Matthew Junker, Esquire, hereby file this Affidavit of Default, averring as follows::

1. On June 17, 2020, the Associations presented their Motion for Relief from the Automatic Stay (the “Motion”) to this Honorable Court.

2. On June 22, 2020, this Honorable Court entered an Order of Court conditionally granting the Motion (the “Stay Order”). A true and correct copy of the Stay Order is attached hereto as **Exhibit A**.

3. Pursuant to the Stay Order, the relief from the automatic stay would be stayed for as long as Sandra L. Adams (the “Debtor”) made her monthly plan payments to the Chapter 13 Trustee.

4. On August 26, 2020, at a proceeding before this Honorable Court on the Contested

Confirmation of Plan Dated 7/29/2020, this Honorable Court clarified that the Stay Order required Debtor to make full plan payments. A true and correct copy of the Proceeding Memo from the August 26, 2020 proceeding is attached hereto as **Exhibit B**.

5. Furthermore, Debtor's counsel acknowledged at the August 26, 2020 proceeding that it was also his understanding that the Stay Order required full plan payments. *See* Exhibit B.

6. Pursuant to Debtor's most recent Chapter 13 Plans, dated July 29, 2020 and October 1, 2020, the full monthly plan payment is \$4,972.23 over a term of sixty (60) months.

7. As shown in the Chapter 13 Trustee's records, Debtor only made a payment of \$3,011.00 for the plan payment that was due on or before September 1, 2020. A true and correct copy of the Chapter 13 Trustee's Debtor Pay Schedules is attached hereto as **Exhibit C**.

8. According to the Chapter 13 Trustee's records, Debtor is currently delinquent in the amount of \$10,099.40.

9. However, the Chapter 13 Trustee's records currently show a monthly plan payment requirement of \$3,897.05 and do not reflect the current monthly plan payment requirement of \$4,972.23.

10. When using the correct monthly plan payment amount, the Debtor is currently delinquent in the amount of \$18,700.84.

11. Debtor's default has continued for more than thirty (30) days, and pursuant to Paragraph 2 of the Stay Order, the Associations are entitled to file this Affidavit of Default.

WHEREFORE, Treesdale Community Association, Inc. and Greenview Court Owners Association, Inc. respectfully requests that this Honorable Court enter a separate order vacating the automatic stay and, under 11 U.S.C. § 362(d)(4), precluding the operation of an automatic stay against 101 Greenview Court, Gibsonia, PA 15044 (the "Property") in any other case under this title

purporting to affect the Property for a period of two years from the entry of the order pursuant to Paragraph 3 of the Order Conditionally Granting In Rem Stay Relief dated June 22, 2020 at Docket No. 52.

Respectfully submitted,

THOMAS H. AYOOB III & ASSOCIATES, LLC

By: Matthew Junker  
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Counsel for Treesdale Community  
Association, Inc. and Greenview Court  
Owners Association, Inc.

Sworn to and subscribed before me  
this 2<sup>nd</sup> day of October, 2020.

Jessica L Muir  
NOTARY PUBLIC

